

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

HOUSING ENTERPRISE INSURANCE, CO.,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:17-CV-241-JRG-HBG
)	
ONE SOUTH PLACE, LP, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), the Rules of this Court, and Standing Order 13-02.

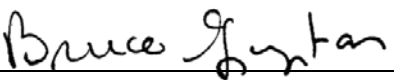
Now before the Court is a Motion to Amend Answer and to State a Counterclaim of South Ridge Housing, LLC [Doc. 44] and a Joint Motion for Plaintiff to File Second Amended Complaint [Doc. 46]. With respect to the Joint Motion [Doc. 46], the parties state that Third-Party Defendant Wells Fargo Insurance Services USA, Inc., asserted that the First Amended Complaint did not sufficiently invoke this Court's diversity jurisdiction because it alleged the residency of certain individuals and not their citizenship. In response, the Plaintiff intends to file a Second Amended Complaint to allege domicile/citizenship. The Joint Motion continues that the litigation is within its preliminary pleading stage and that the case is set for trial on March 26, 2019. The Joint Motion states that all parties consent to and join in the Motion. Finally, the parties attached the proposed Second Amended Complaint [Doc. 46-1] as an exhibit to the Motion in accordance with Local Rule 15.1

The Court observes that the parties also filed a Stipulation of Extension of Time to Respond to First Amended Complaint [Doc. 47], which states that the parties have agreed that the Defendants are not required to respond to the First Amended Complaint while the Joint Motion for Leave to File Second Amended Complaint is pending. Further, the Stipulation provides that the Defendants shall respond to the operative complaint in accordance with Federal Rule of Civil Procedure 15(a)(3) and that Defendant South Ridge Housing, LLC may respond with its Amended Answer and Counterclaim previously submitted with its Motion to Amend Answer [Docs. 44 and 44-1].

Accordingly, the Court finds the Motion to Amend Answer and to State a Counterclaim [Doc. 44] and the Joint Motion for Plaintiff to File Second Amended Complaint [Doc. 46] are supported by good cause, *see* Fed. R. Civ. P. 15, and they comply with the Rules of this Court, *see* E.D. Tenn. L.R. 15.1. In addition, the parties have agreed to the requests made in both Motions, and both Motions are timely pursuant to the Scheduling Order in this case, *see* [Doc. 42 at 3] (“Any motions to amend the pleadings or add new parties must be filed by January 30, 2018.”). Accordingly, the Motion to Amend Answer and to State a Counterclaim [**Doc. 44**] and the Joint Motion for Plaintiff to File Second Amended Complaint [**Doc. 46**] are **GRANTED**. The Plaintiff **SHALL FILE** its Second Amended Complaint [Doc. 46-1] as its operative pleading in CM/ECF on or before **November 6, 2017**. The Defendants **SHALL** respond to the Second Amended Complaint within fourteen days after the Plaintiff files the Second Amended Complaint. *See* Fed. R. Civ. P. 15(a)(3).

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge